

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **January 14, 2003**

AGENDA ITEM NO.: 13

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Public Hearing Regarding Vacating a Portion of Delta Street**

### RECOMMENDATION:

Adopt an ordinance vacating a portion of Delta Street.

### SUMMARY:

Bennie and Jimmy Cunningham are petitioning the City to vacate a portion of Delta Street. The Virginia Department of Transportation, the adjoining property owner, is in agreement to vacating this portion of Delta Street.

The Technical Review Committee (TRC) report is attached, and an easement to the sewer line that crosses Delta Street has been incorporated into the proposed ordinance. With regard to condition #2, language has been incorporated into the proposed ordinance regarding approval of a plat showing the vacation of lot lines between parcels #03 (121 Delta Street) and #04 (125 Delta Street) as a condition of the vacation of this portion of Delta Street. Since parcels #05 (Delta Street) and #06 (215 Delta Street) have already been landlocked by the ramp, the vacation of this portion of Delta Street will have no further affect on these two lots.

### PRIOR ACTION(S):

December 3, 2002: Technical Review Committee Review

January 7, 2003: Physical Development Committee Review

### BUDGET IMPACT:

None

### CONTACT(S):

Pat Kost 847-1443/228

Bennie Cunningham 821-3310, ext. 610

### ATTACHMENT(S):

- † Ordinance
- † Maps
- † Technical Review Committee Report
- † Application to Vacate

REVIEWED BY: lkp

AN ORDINANCE VACATING A PORTION OF DELTA STREET

WHEREAS the City of Lynchburg on its own motion is proposing to vacate a portion of Delta Street; and

WHEREAS the all adjoining property owners are in agreement to the vacation of this portion of Delta Street; and

WHEREAS City Council finds that no public inconvenience will result from vacating this portion of Delta Street;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion, and in accordance with the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 36-77 of the City Code, 1981, as amended, the following described portion of Delta Street be, and the same hereby is, discontinued and vacated, namely:

That portion of right-of-way known as Delta Street beginning just south of the culvert located on property owned by the applicants, known as 113 Delta Street, and extending in a southerly direction to its intersection with Wards Road.

Said vacation is contingent upon the following: (1) that an easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg, and the construction of any building or structure or the use of the vacated property in any manner that could interfere with the City's right to locate, relocate, repair, replace and maintain and perpetually operate utilities is prohibited without the prior written approval of the City Manager's Office, City Utilities Division and the City Engineering Division, and (2) that a plat vacating lot lines on parcels identified as #03 (121 Delta Street) and #04 (125 Delta Street) must be submitted for review and approved by the Technical Review Committee,

BE IT FURTHER ORDAINED That the Clerk of Council is hereby authorized and directed to deliver a duly-certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of Lynchburg.

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council

002P



PLANNING DIVISION

December 16, 2002

TO: Patricia W. Kost, Clerk of Council

FROM: Annette M. Chenault, Planner II *Amc*

RE: Street Vacation – Portion of Delta Street  
TRC Review: December 3, 2002

On December 3, 2002 the Technical Review Committee (TRC) reviewed the street vacation for a portion of Delta Street. Following are the comments:

1. The subject project proposes the vacation of a portion of Delta Street. Mr. Bennie Cunningham has completed an application to vacate this right-of-way, and the matter is scheduled for City Council review on January 14, 2003.
2. There are several lots along the subject right-of-way that would be landlocked as a result of the street vacation. In order to vacate the subject portion of Delta Street, a plat vacating lot lines must be submitted for review and approved by the TRC.
3. Portion of north and south portion of Delta Street was incorporated into the U.S. Route 29 & 460 interchange.
4. There is a nonconforming automotive junk yard located on the south end of Delta Street that is owned by Cunningham Brothers. It would be prohibited under the provisions of the Zoning Ordinance to expand any portion of the automotive junk yard located on Delta Street.
5. A City Sanitary Sewer crosses Delta Street. The sewer easement needs to continue through where Delta Street is being vacated.

Attachment

pc: Technical Review Committee

APPLICATION FOR THE VACATION OF A

PORTION OF DELTA STREET  
(Street/Alley)

LOCATED BETWEEN

WARDS ROAD AND THE NORFOLK AND SOUTHERN RAILROAD

The undersigned applicants, Bennie & Jimmy Cunningham, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 36-77 of the City Code, 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain portion of Delta Street described as follows:

That portion of right-of-way known as Delta Street beginning just south of the culvert located on property owned by the applicants, known as 113 Delta Street, and extending in a southerly direction to its intersection with Wards Road.

The applicants further request the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chambers, City Hall, 900 Church Street, Lynchburg, Virginia, on January 14, 2003, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described portion of Delta Street.

Given under my hand this 21 day of October, 2002.

Benny K Cunningham  
Applicant

10980 W. 4th Road, Kinsburg IA 24588  
Address

434-821-3310 EXT# 610  
Telephone Number

WE, THE ADJOINING PROPERTY OWNER(S), ARE IN AGREEMENT TO THE  
VACATION OF THE ABOVE DESCRIBED PROPERTY:

1-8-03

W.T. Ramey

W.T. RAMEY, P.E.

DISTRICT ADMINISTRATOR

VDOT

